

Serial No.: 07/323,665

case. The present application is a continuation of serial no. 696,647 filed January 30, 1985, which was in turn was a continuation-in-part of serial no. 548,228 filed November 2, 1983, which has now issued as U.S. patent no. 4,840,896. The parent application serial no. 696,647 has also been allowed and will issue very soon containing two claims.

The present application and its parent differ from the grandparent application which is now U.S. patent 4,840,896 in that the grandparent application has claims directed to the production of the human fertility hormones hCG and LH and to cells which will express such hormone, while the present application and its parent relate to the production of the human fertility hormone FSH by analogous procedures. The prior art applied in the parent and grandparent applications was substantially the same. After substantial prosecution, agreement was reached as to the wording of claims in the grandparent application which would define over the prior art and fully comply with 35 USC 112. These claims presently appear in patent 4,840,896.

In the parent case, after consideration of substantially the same prior art, the Examiner allowed a claim which is substantially analogous to claims 16 and 18 of the 4,840,896 patent but relating to the production of FSH as opposed to HCG and LH, respectively, of the '896 patent.

For reasons that were related to the difficulties of amending claims after final rejection, many claims containing patentable subject matter were deleted in the parent case in order to obtain allowance of at least two claims promptly. After allowance of these two claims in the parent case the present continuation application was filed in order to continue prosecution of the claims which were deleted from the parent case.

In order to expedite issuance of claims in the present application, the present preliminary amendment is being filed in order to cause the language of the present claims to track as closely as possible the language of the claims which were allowed in the grandparent application which is now the '896 patent. It is respectfully submitted that the present claims are free of the prior art for the same reasons as discussed in the parent application and for reasons which are analogous to those which were found convincing in the grandparent application. Similarly, the present claims fully comply with 35 USC 112 for reasons which are analogous to those which were found convincing in the grandparent application.

Accordingly, it is submitted that the present claims should be promptly considered to be in condition for allowance and the present application passed to issue.

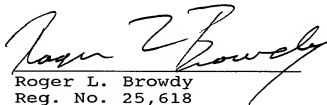
Because it is believed that the present claims are not patentably distinct from the claims which are about to issue in parent application serial no. 696,647, a terminal disclaimer is presently being prepared and will be filed as soon as the executed document is received.

Accordingly, prompt consideration of this case and allowance of the claims are earnestly solicited.

Respectfully submitted,

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